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ART UNIT	**PAPER NUMBER**
3689	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/775,368	STASHLUK ET AL.	
	Examiner	Art Unit	
	THUY-VI NGUYEN	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 November 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-22,24-28 and 30-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-22,24-28 and 30-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This is in response to the applicant's communication filed on 11/05/10 wherein:

Claims 1-5, 7-22, 24-28, 30-38 are currently pending;

Claims 1, 14 and 28 have been amended;

Claims 6, 23 and 29 have been cancelled;

Claims 36-38 have been added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims **1-5, 7-22, 24-28, 30-35** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1) Claim 1 recites the limitation "the machine readable code" in the last step. There is insufficient antecedent basis for this limitation in the claim. There are two different “machine readable code" on the return shipping label as recited in the previous steps. Thus, it is not clear which one will be scanned by the merchant or by the specialized return center as indicated in the last step.

2) Claims 14 and 28 are rejected for the same reason sets forth rejected independent claim 1 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **1-5, 7-22, 24-28, 30-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over TSUNENARI ET AL (US 2002/0013744) in view of SAVINO ET AL (US 6,015,167) and further in view of official notice.

As for claim 1, TSUNENARI ET AL. discloses a computer-implemented method of providing merchandise return labels for enabling a customer to ship a package containing one or more items previously acquired from a merchant during a transaction, comprising the steps of:

1) accessing item data representing at least one detail about the item

{see at least figures 9-10g; 10i; pars. 0013; 0075, lines 1-23 discloses information about the product/item to be returned}

2) accessing transaction data representing at least one detail about the transaction associated with the item;

{see at least figures 4, 10G, 10K; pars.0034; 0075; 0083 disclose product transaction associate with the item}

3) accessing customer data representing at least one detail about a customer associated with the transaction

{see at least figures 10C, 10G, 10I, 10K; and pars. 0072, 0075, 0080-0081

4) accessing package data representing at least one detail about the package in which the item is expected to be shipped

{see at least figures 10I; 0061; 0116 discloses shipping package data}

5) using a computer operated by the merchant/manufacturer from whom the item was acquired to correlate the item data, transaction data, customer data, with a set of stored business rules to determine coding to be printed on a return shipping label; wherein the set of stored business rules specify how packages are to be shipped from the customer to a returns center and represent guidelines for determining choice of carrier, shipping destination, shipping rate, and package disposition for shipment from the customer to the returns center

{see figures 1-3; pars. 0060-0063; 0080-0081; 0092-0094 discloses the merchant/manufacturer web server correlate the returned product information and customer information using the business rules to determine the coding to be printed on a return shipping label, e.g. based on the receiving particular returned product information from customer, *the server will determine the destination of the product in accordance with the product type sending the product to a facility at which it may be processed. the destination is defined in accordance with the location of the customer, selecting whatever suitable destination is closest to customer in order to minimize cost* (par. 0060*); determine which carrier service is the most economical, given the nature of the product to be returned (such as its weight and dimension) and the pickup delivery points* (par. 0061); *Once the destination and a carrier service are selected, the Web*

server generates shipping label data. The shipping label include data sufficient for the client/consumer computer to direct a printer to print a shipping label that includes an identification of the destination and the carrier service selected, and also data necessary to print an actualization code on the label (par. 0062-0063); *and the selection of the product destination is made by the manufacturer server on the basis of specified rules that take into consideration the geographical location of the customer and the nature of the product being returned* (see pars. 0092-0093)}.

6) using the computer operated by the merchant/manufacture from whom the item was acquired to generate machine readable code for the return shipping label for shipment from the customer to the return center (return facility),

{see figures 10I; pars. 0062-0063; 0081 discloses generating the shipping label as the results of the correlating step (recited item data, transaction data, customer data and package data), and the label also includes the machine readable code which contain information used by the carrier for the pick up and tracking of the parcel};

7) using the computer operated by the merchant/manufacture web server to format the return shipping label and complies with shipping labels specification of the choice of carrier, and a carrier specified machine readable code present on the shipping label

{see figure 10I; 10J, pars. 0061-0063; 0081-0082 discloses formatting the returning shipping label, and the shipping label also complies with shipping label specifications of the choice of carrier by (determine which carrier service is the most

economical, given the nature of the product to be returned, and the pick up and delivery points)}.

Note: for convenience, numbers (1)-(7) are added to the beginning of each step.

TSUNENARI ET AL discloses the claimed invention as indicated above. For example Tsunenari discloses the shipping label contain a machine readable code which contains information used by the carrier. However, Tsunenari does not explicitly disclose the shipping label contains another machine readable code that represents at least the shipping origin of the package and the identification of the transaction; scanning the machine readable code to correlate the machine readable code with one or more business rules for performing returning processing for the merchant associated with the transaction (part of steps 2 and 3, steps 6-8).

In the similar method for generating and transmitting electronic shipping label including a barcode, SAVINO ET AL discloses a machine readable barcode included in a shipping label for coordinating shipping and receiving information between supplier and customers in order to reduce the time consuming and costly. A bar code value represents plurality of predetermined relevant purchase and shipping information associated with a purchase order such as customer name and address, packing slip number, customer purchase order number (identification transaction), part/item quantity number, customer part number, shipping information etc. The bar code can be scanned by a supplier/merchant to retrieve from the database all relevant purchase and shipping information associated with a purchase order {see figures 4-5, at least col. 2, lines 7-19; col. 3, lines 34-54, col. 4, lines 24-35}.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of generating shipping label contains the readable bar code used by carrier of **TSUNENARI ET AL** to include a machine readable code which represents customer address and identification of the transaction as taught by **SAVINO ET AL** for coordinating shipping and receiving information between supplier/merchant and customers in order to reduce the time consuming and costly {see SAVINO ET AL col. 1, lines 34-50}.

Furthermore, **TSUNENARI ET AL** teach the method of generating shipping label contains the readable bar code used by carrier and since **SAVINO ET AL** disclose a shipping label contains a machine readable bar code that represents the shipping information and identification transaction for coordinating shipping and receiving information between supplier and customer in order to reduce the time consuming and costly as shown above.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the shipping label contains the readable bar code used by the carrier of Tsunenari to include a machine readable code that represents shipping information and identification transaction as taught by SAVINO since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately e.g. putting both of the readable bar codes in the same shipping label, the content or functionality of the bar codes will not change. One of ordinary skill in the art have recognized the knowledge of putting the two readable codes together e.g. giving the well known nature of document creation

software and printer driver software to achieve the combination of the two codes in the same shipping label would have been predictable.

Note: As for the data point about customer data such as "a shipping origin" is included in the machine readable code as recited in the claim invention. Since TSUNENARI ET AL/ SAVINO ET AL discloses the machine readable code represents *various variables or aspects of purchase and shipping information of a purchase order such as customer name and address, packing slips number, part quantity number, customer part number, etc.* {SAVINO ET AL at least figures 4-5, col. 3, lines 34-48; col. 4, lines 20-35}, therefore, SAVINO contemplates that the machine readable code can include other data value. Official notice is taken that shipping origin information is well known to be included in shipping label. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the data value "shipping origin" into the machine readable bar code of Tsunenari/ SAVINO to provide more complete variables or aspects of purchase and shipping information.

As for dep. claims 2-5 which discloses the information/data about the items and the transaction, customer information, package information, this is taught in TSUNENARI ET AL {see figures 10G-10, and figures 14-15; pars. 0060-0063; 0075}.

As for dep. claim 7, which discloses the customer preferences/data comprising a customer selected choice of carrier, and format the return shipping label as required by the customer selected choice of carrier this is taught in TSUNENARI ET AL {see at least fig. 10i-10j, pars. 0062-0063}

As for dep. claims 8-11, which discloses scanning the machine readable code to identify the merchant as the payee of shipping charges, TSUNENARI ET AL/SAVINO discloses the shipping label data include an actualization code on the label indicating that the shipping of the package on which the label is affixed has been pre-authorized and that the receiver (merchant/manufacturer) will pay the shipping costs {see TSUNENARI ET AL, par. 0062, figure 10i}}; calculating or determining the shipping charge due to the carrier based on the cost of shipping package, package weight, the package size, shipping rate and the cost of shipping package from the shipping origin associated with the customer to the merchant/manufacturer {see TSUNENARI ET AL, pars. 0061-0062, 0092 figure 10 i}.

As for dep. claims 12-13, which discloses carrier data location data, format the return shipping label to include the carrier center location closest to the merchant or return center as the shipping destination, this is taught in TSUNENARI ET AL {see at least figures 10 i-10j, and figures 12, 14-15; pars. 0060-0063; 0075}.

As for dep. claim 33, TSUNENARI ET AL/SAVINO discloses receive a return product and provide returns processing for plurality of merchants; {see TSUNENARI ET AL at least figures 14-15, pars. 0113, 0115, 0119-0120}; a data value represents the identification of the merchant in the machine readable code and scanning the machine readable code in response to receiving the package containing the item for return to identify the merchant associated with the transaction {see SAVINO at least figures 4-5, col. 3, lines 34-48; col. 4, lines 20-35}.

As for independent claim 14, which discloses software embodied in a memory and comprising programming operable when executed by a computer to carry the method steps of the independent claim 1. Therefore, is rejected for the same reason sets forth the independent claim 1 as stated above.

As for dep. claim 15, which discloses the accessing the group of information/data such as item data, customer data, transaction data via a remote data communication link, this is fairly taught in TSUNENARI ET AL {see figures 10G-10I, and figures 14-15; pars. 0060-0063; 0075}.

As for dep. claim 16, which discloses the shipping rate, and determine/calculate the shipping charge based on the shipping rate data and the cost of shipping the package from the shipping origin associated with the customer to the merchant/manufacture {see TSUNENARI ET AL, pars. 0061-0062, 0092, 0102 figures 10i and 12}.

As for dep. claims 17-18, which discloses carrier data location data, format the return shipping label to include the carrier center location closest to the merchant or return center as the shipping destination, this is taught in TSUNENARI ET AL {see at least figures 10 i-10j, and figures 12, 14-15; pars. 0060-0063; 0075}.

As for dep. claim 19-22 which carry the similar limitations as dep. claims 2-5 above. They are rejected for the same reason sets forth dep. claims 2-5 as indicated above.

As for dep. claims 24-27, which carry similar limitations as dep. claims 7-10 above. They are rejected for the same reason sets forth dep. claims 7-10 as indicated above.

As for dep. claim 34 which carry similar limitations as dep. claim 33 above. They are rejected for the same reason sets forth dep. claim 33 as indicated above.

As for independent claim 28, which discloses a software embodied in a memory and comprising programming operable when executed by a computer to carry the method steps of the independent claim 1. Therefore, is rejected for the same reason sets forth the independent claim as stated above.

As for claim 30, TSUNENARI ET AL discloses a business rules is used to access package data representing at least one detail about the package in which item is expected to be shipped {see figures 10G-10I; pars. 0075; 0080-0082; 0092-0093}

As for dep. claims 31-32, TSUNENARI ET AL discloses the shipping information include the choice of carrier and package information, {see figures 10G-10I; pars. 0060-0063; 0080-0081. 0092-0093}.

As for dep. claim 35 which carry similar limitations as dep. claim 33 above. They are rejected for the same reason sets forth dep. claim 33 as indicated above.

5. Claims **36-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over TSUNENARI ET AL (US 2002/0013744) in view of SAVINO ET AL (US 6,015,167), official notice and further in view of WILLIAMS ET AL (US 2002/0032612).

As for dep. claims 36-38, the combination of TSUNENARI ET AL, SAVINO ET AL and official notice discloses the claimed invention as indicated above. For example,

TSUNENARI ET AL par. 0062 discloses the manufacturer or merchant will pay for the shipping costs to the carrier; SAVINO ET AL and official notice discloses the machine readable bar code on the shipping label contains the shipping information of a purchase order such as customer name and address, shipping information and shipping origin. The bar code can be scanned by a supplier/merchant to retrieve from the database all relevant purchase and shipping information associated with a purchase order {see figures 4-5, at least col. 2, lines 7-19; col. 3, lines 34-54, col. 4, lines 24-35}. However the combination of TSUNENARI ET AL, SAVINO ET AL and official notice do not explicitly disclose "calculating the shipping charge due to the carrier based on the shipping origin identified as a result of scanning the machine readable code on the return shipping label".

In the similar method of generating the return shipping label, WILLIAMS ET AL discloses the merchant pays shipping charges for the return items. The system "*calculates the shipping charges based on zip-to zip pricing"* e.g. the origin zip code of the sender and the destination zip code of the receiver" { WILLIAMS ET AL see figure 71 a, pars. 0014, 0116, 0327}.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the shipping label contains a machine readable bar code include the shipping origin of TSUNENARI ET AL, SAVINO ET AL and official notice to include the feature of calculating the shipping charge due to the carrier by the merchant based on the shipping origin as taught by WILLIAMS ET AL in order to provide the high quality service by paying the return shipping for the customer {see WILLIAMS ET AL

par. 0014} and also because the origin information is in the bar code as modified above, then when the calculation of WILLIAMS is performed in the combination above, it would have been obvious to use the origin information in the bar code on the shipping label.

Response to Arguments

Applicant's arguments filed on 11/05/10 have been fully considered but they are not persuasive.

A) In response to Applicant's argument on the 112 rejection, Applicant disagrees with the 112 rejection that the Examiner has given due to the insufficient antecedent basis for "the machine readable code" recited in the last step. Applicant indicated that the "machine readable code" in the last step clearly refers back to "a machine readable code comprises a plurality of data points (step 6) and the machine readable code is not associated with the carrier (step 7) and not "the carrier specified machine readable code (step 7). However this is not persuasive because there are two different machine readable codes are recited in step 7 e.g. "i*n response.....to format the return shipping label such that return shipping label contains the machine readable code....., the* ***machine readable code*** *not associated with the carrier* (interpreted to be the first machine readable code) *and in addition to a carrier specified* ***machine readable code*** (interpreted to be the second machine readable code) *also present on the shipping label*". It is noted that they both are machine readable code. Therefore, there is insufficient antecedent basis for "the machine readable code" in the last step (step 8)

since it is not clear which machine readable code will be scanned by the merchant or by the specialized return center as indicated in the last step.

B) In response to Applicant's argument on pages 17-18 of the remark, Applicant states that neither TSUNENARI nor SAVINO discloses a return shipping label that "complies with shipping label specification of the choice of carrier" and includes both "the machine readable code" not associated with the carrier, and a carrier specified machine readable code also present on the shipping label". The shipping label in TSUNENARI is merely a typical carrier shipping label includes a bar code 1029d that is used by the carrier for the pickup and tracking of the parcel", and the "shipping label" of SAVINO is not a shipping label at all. Rather, the label merely includes the bar code identifying a packing slip number and printed matter that related to the customer purchase order no., the number of boxes, the quantity and the customer part number". However this is not persuasive for the following reasons:

1) TSUNENARI {see figure 10i, pars. 0062-0063, 0081-0082 discloses generating a return shipping label as the results of the correlating the item data, transaction data, customer data and package data, and the shipping label also includes the machine readable code which contain information used by the carrier for the pick up and tracking of the parcel (noted that this machine readable code is interpreted to be a carrier –specified machine readable code that present on the shipping label). Specifically pars. 0062-0063 discloses format the return shipping label, the shipping label complies with shipping label specifications of the choice of carrier a e.g. *Once the destination and a carrier service are selected, the Web server generates shipping label*

data. The shipping label include data sufficient for the client/consumer computer to direct a printer to print a shipping label that includes an identification of the destination and the carrier service selected, and also data necessary to print an actualization code on the label; and pars. 0081-0082, figure 10i discloses the shipping label contain a machine readable code 1029d}.

2) TSUNENARI discloses the shipping label contain a machine readable code which contains information used by the carrier. However, TSUNENARI does not explicitly disclose the shipping label contains an additional machine readable code that represents at least the shipping origin of the package and the identification of the transaction. Since, SAVINO et al discloses a shipping label contains a machine readable bar code that represents the shipping information and identification transaction for coordinating shipping and receiving information between supplier and customer in order to reduce the time consuming and costly {see figures 4-5, at least col. 2, lines 7-19; col. 3, lines 34-54, col. 4, lines 24-35 and claim 1 rejection as above.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the shipping label contains the readable bar code used by the carrier of TSUNENARI to include a machine readable code that represents shipping information and identification transaction as taught by SAVINO since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately e.g. putting both of the readable bar codes in the same shipping label, the content or functionality of the bar codes will not change. One of ordinary skill in the art have recognized the knowledge of putting the two readable

codes together e.g. giving the well known nature of document creation software and printer driver software to achieve the combination of the two codes in the same shipping label would have been predictable.

Furthermore, It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of generating shipping label contains the readable bar code used by carrier of **TSUNENARI ET AL** to include a machine readable code which represents customer address and identification of the transaction as taught by **SAVINO ET AL** for coordinating shipping and receiving information between supplier/merchant and customers in order to reduce the time consuming and costly {see SAVINO ET AL col. 1, lines 34-50}.

Thus, the combination of TSUNENARI and SAVINO teach the shipping label complies with shipping label specification of the choice of the carrier; the shipping label contains the machine readable code represents the shipping origin and identification transaction, and also contains another machine readable code for carrier's use as recited in the claimed invention.

3) Even though Applicant asserts that “the shipping label in SAVINO is not a shipping label at all. Rather, the label merely includes the bar code identifying a packing slip number and printed matter that related to the customer purchase order no., the number of boxes, the quantity and the customer part number, a “shipping label” is not a carrier label and has none of the usual features of a shipping label”, Applicant also asserts that the shipping label in SAVINO is more likely a "packing slip" or something analogous to a packing slip". The examiner respectfully disagrees because the instant

claim language failed to provide specific structure and functional distinction between the claimed "shipping label" that of TSUNENARI /SAVINO. For example the claimed invention does not specify of how the shipping label is used e.g. how the shipping label is attached to the container, box or merchandise or what usual features of a shipping label is distinguish with the shipping label in combination of TSUNENARI and SAVINO. For the sake of an argument, assuming the shipping label in SAVINO is a not a shipping label according to the Applicant's assertion, the term "shipping label" in SAVINO is still broadly read over the "shipping label" as claimed because SAVINO clearly identifies "*the shipping label contains a bar code for coordinating shipping and receiving information between customer and supplier*" as shown in col. 1, lines 59-67; col. 2, lines 1-19.

C) In response to Applicant's argument on pages 18 of the remark, Applicant states "the Examiner has not pointed to any portions of the cited references that would teach, suggest or motivate one of ordinary skill in the art at the time of the invention to incorporate both bar codes in a carrier label" is noted. This has been explained in the rejection in claim 1 as shown above to explain how one of ordinary skill in the art would create a shipping label that includes both a machine readable code that represents a shipping origin and identification transaction (or a machine readable code not associated with the carrier) and a carrier specified machine readable code.

D) In response to Applicant's argument on page 19 of the remark, Applicant stated that SAVINO teaches a way from a shipping label that includes more than one bar code since SAVINO only discloses a shipping label that includes a single bar code.

However, this is not persuasive. SAVINO discloses a system of employing a single bar code provided on a shipping label for coordinating shipping and receiving information between supplier and customer, whereby data value in the single bar code represents a purchase and shipping information of a purchase order such as customer name and address, packing slip number, customer purchase order number and etc {see figures 4-5, at least col. 2, lines 7-19; col. 3, lines 34-54, col. 4, lines 24-35}. This single bar code is scanned and used by the supplier or customer for coordinating shipping and receiving information, but does not provide for the actual delivery. There is not specific provision for postage, package weight or other data typically employ by a carrier for delivery {see SAVINO col. 1, lines 59-67; col. 2, lines 1-6}. Thus, the single bar code of SAVINO could not be the only bar code on the package being delivered. The package being delivered may also contain another machine readable code that being used by a carrier for delivery.

E) In response to Applicant's argument on page 19 of the remark, Applicant stated that it would no be appropriate for the Examiner to take official notice of facts without citing a prior art reference since the Examiner has not provided no evidence to support the Examiner contention that it is indeed "old and well known" in the art to have "*the return shipping label contain the machine readable code and complies with shipping label specifications of the choice of carrier, the machine readable do not associated with the carrier and in addition to a carrier specified machine readable code also present on a shipping labe*l" as recited in independent claim 1". However The Examiner respectfully disagrees. The Examiner did not used the officinal notice to

reject all limitation "*the return shipping label contain…….a carrier specified machine readable code also present on the shipping label"* as Applicant's assertion. Furthermore the office notice also has not been taken alone; instead it has been combined with the references of TSUNENARI/ SAVINO as show in claim 1 above. "The official notice is used to indicate it is well know to include the data/information e.g. "*shipping origin*" information as claimed in to the machine readable bar code in combination of TSUNENARI ET AL/SAVINO since TSUNENARI ET AL/SAVINO contemplates that the machine readable code can include other data value beside the data value represents *various variables or aspects of purchase and shipping information of a purchase order such as customer name and address, packing slips number, part quantity number, customer part number, etc.* {see SAVINO ET AL at least figures 4-5, col. 3, lines 34-48; col. 4, lines 20-35}. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the data value "shipping origin" into the machine readable bar code of TSUNENARI/ SAVINO to provide more complete variables or aspects of purchase and shipping information".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy-Vi Nguyen whose telephone number is 571-270-1614. The examiner can normally be reached on Monday through Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/T. N./

Examiner, Art Unit 3689

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